

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT LAFAYETTE,

Plaintiff(s),

vs.

WELLS FARGO BANK, NATIONAL
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-cv-00023-RFB-NJK

ORDER

(Docket No. 19)

On June 17, 2016, the Court ordered the parties to submit a joint proposed discovery plan or show cause why they failed to comply with the deadline to do so. Docket No. 18. On June 23, 2016, the parties filed a joint proposed discovery plan. Docket No. 19. Rather than setting dates for the Court's scheduling order, the parties request that the case be stayed until the resolution of a pending motion to dismiss. *See id.* Essentially, the parties submit that discovery should be stayed because a dispositive motion has been filed. *Id.* at 2.

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

1 Since the parties' joint proposed discovery plan fails to address these standards, the showing
2 before the Court is insufficient to warrant a stay. Accordingly, the parties' joint proposed discovery
3 plan is **DENIED** without prejudice. No later than July 1, 2016, the parties must file either a renewed
4 joint discovery plan that complies in full with LR 26-1 or a request to stay discovery that addresses the
5 proper standards.

6 IT IS SO ORDERED.

7 DATED: June 24, 2014

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NANCY J. KOPPE
United States Magistrate Judge